EXAMINER AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Tong Wu on September 25, 2009.

The application has been amended as follows:

Replace claim 3,

3. (Currently Amended) A method as claimed in claim ~~2~~ 1, wherein the signals are synchronous downlink pilot signals, and step A1 further comprises steps:

A11. shift multiple correlating a local synchronous downlink pilot code and a received synchronous downlink pilot signal resulting in a power value of the synchronous downlink pilot signals received by the subscriber terminal;

A12. determining peak power values corresponding to each of the synchronous downlink pilot codes.

Replace claim 7,

7. (Currently Amended) A method as claimed in claim ~~2~~ 1, further comprises a step before step B: multi-path combining signals of each base station with same carrier frequency.

Allowable Subject Matter

2. Claims 1, 3-4, and 6-12 allowed.

3. The following is an examiner's statement of reasons for allowance:

The prior art of Chen teaches a method which is similar to the applicant's invention as cited in the previous rejection. In both inventions the signals are arranged from highest to lowest and each is checked against the signal with the highest power value and compared to a threshold, and the number of signals which exceed the threshold, from those evaluated, move forward for further processing. However the applicant's invention differs in the method in which it processes the signals. Whereas both Chen and applicant arrange the signals in order and checks each one, Chen does so by choosing the highest signal for further processing immediately, then moving on to the second highest and evaluating it to see if it qualifies against the threshold as compared to the highest signal, then to the third, etc. up to the predetermined number to be evaluated or until a signal does not meet the threshold. Applicant, however, chooses the signals for further processing by arranging them in order then *numbering* them and then *setting a sequence number as the predetermined maximum number of signals* and evaluating the highest value versus the *value corresponding to the current sequence number* and if it's above the threshold value *setting the number of effective base stations as the current sequence number, otherwise decreasing the number by one and returning to process the next lower sequence number.* The difference in the processing is that the applicant numbers his values and evaluates them in a backwards order

(lowest to highest), as compared to Chen, through the use of a sequence number. Depending upon the number of signals chosen for future processing, the applicant's invention may finish processing sooner.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTOPHER HENRY whose telephone number is 571-270-7496. The examiner can normally be reached on Monday - Friday 6:30 am - 4:00 pm EST, Off Every Other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne Bost can be reached on 571-272-7023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/C. H./
Examiner, Art Unit 2617

/Dwayne D. Bost/
Supervisory Patent Examiner,
Art Unit 2617